

Senate Bill No. 247

CHAPTER 410

An act to amend Section 1808.25 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 16, 2003. Filed
with Secretary of State September 17, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 247, Murray. Vehicles: residence addresses.

(1) Existing law requires the Department of Motor Vehicles, until January 1, 2004, to implement a pilot program to provide residence address information to an accredited degree-granting nonprofit independent institution of higher education incorporated in the state that operates pursuant to a memorandum of understanding that permits a security officer of that institution to have arrest powers, if, under penalty of perjury, the institution requests the address solely for the purposes of enforcing parking restrictions. Under the pilot program, a participating institution is required to enter into a contractual agreement with the department requiring the institution to establish and maintain procedures for persons to contest parking violation notices issued by the institution and to remit fees to cover the department's costs of providing each address to the institution. Existing law requires the department to submit a report to the Legislature containing its evaluation of the pilot program on or before January 1, 2003.

This bill would delete the designation of the program as a pilot program, the specified reporting requirement, and the specified repeal date. The bill would require the memorandum of understanding to include a requirement, that the institution establish and maintain a system that ensures that confidential information obtained from the department is used solely for the purposes of enforcing parking restrictions.

Because perjury is a crime, the bill would impose a state-mandated local program by expanding the scope of that crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 1808.25 of the Vehicle Code is amended to read:

1808.25. (a) The department shall implement a program to provide residence address information to an accredited degree-granting nonprofit independent institution of higher education incorporated in the state, that has concluded a memorandum of understanding pursuant to subdivision (b) of Section 830.7 of the Penal Code if, under penalty of perjury, the institution requests and uses the information solely for the purpose of enforcing parking restrictions.

(b) The memorandum of understanding executed by the sheriff or chief of police within whose jurisdiction the independent institution is located shall expressly permit the institution to enforce parking restrictions pursuant to subdivision (b) of Section 830.7 of the Penal Code. For the purposes of this subdivision, a participating institution shall enter into a contractual agreement with the department that, at a minimum, requires the institution to do all of the following:

(1) Establish and maintain procedures, to the satisfaction of the department, for persons to contest parking violation notices issued by the institution.

(2) Remit a fee, as determined by the department, to cover the department's costs of providing each address to the institution.

(3) Agree that access to confidential residence address information from the department's vehicle registration database will be provided only through an approved commercial requester account.

(4) Establish and maintain a system that ensures that confidential address information obtained from the department is used solely for the purpose specified in subdivision (a).

(c) The director may terminate a contract authorized by subdivision (b) at any time the department determines that the independent institution of higher education fails to maintain adequate safeguards to ensure that the operation of the program does not adversely affect those individuals whose records are maintained in the department's files, or that the information is used for any purpose other than that specified in subdivision (a).

(d) Sections 1808.45, 1808.46, and 1808.47 are applicable to persons who obtain department records pursuant to this section and the department may pursue any appropriate civil or criminal action against any individual at an independent institution who violates the provisions of this section.

(e) For purposes of this article only, any confidential information obtained from the department for administration or enforcement of this

article shall be held confidential, except to the extent necessary for the enforcement of parking restrictions, and may not be used for any purpose other than the administration or enforcement of parking restrictions.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

